

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 19, 2005**

C-1     CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of January 19, 2005, was called to order by Mayor Beckman at 5:03 p.m.

Present: Council Members – Hansen (arrived at 5:15 p.m.), Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: Interim City Manager Keeter, City Attorney Schwabauer, and City Clerk Blackston

C-2     ANNOUNCEMENT OF CLOSED SESSION

- a) Conference with Labor Negotiator, Human Resources Director Joanne Narloch, regarding Police Officers Association of Lodi, Lodi Police Dispatchers Association, Lodi Mid-Management Association, Lodi Police Mid-Management Organization, Association of Lodi City Employees (General Services and Maintenance & Operators), International Brotherhood of Electrical Workers, and Lodi Professional Firefighters pursuant to Government Code §54957.6.
- b) Prospective acquisition of real property located at 232 N. Washington Street (APN #043-087-17) and 242 Rush Street (APN #043-090-13), Lodi, California; the negotiating parties are City of Lodi and Union Pacific Railroad Company; Government Code §54956.8.
- c) Prospective acquisition of real property located at 420 E. Lockeford Street (APN #043-202-29), Lodi, California; the negotiating parties are City of Lodi and Union Pacific Railroad Company; Government Code §54956.8.
- d) Actual litigation: Government Code §54956.9(a); one case; Smalley v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV010730
- e) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- g) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- h) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- i) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- j) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- k) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM

C-3 ADJOURN TO CLOSED SESSION

At 5:03 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:58 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:05 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), there was no reportable action taken in closed session.

Items C-2 (b) and (c), were pulled from the agenda at staff's request.

In regard to Item G2 (d), Council authorized settlement of the Smalley case in the amount of \$18,000.

In regard to Items C-2 (e) through (k), direction was sought and obtained.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of January 19, 2005, was called to order by Mayor Beckman at 7:05 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: Interim City Manager Keeter, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Rod Suess, Vinewood Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Carol Marvel, member of the Lodi Area All Veterans Plaza Foundation, presented a check in the amount of \$10,000 to Mayor Beckman toward quarterly payment on loan from City of Lodi.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Johnson, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$2,474,023.97.

E-2 The minutes of December 15, 2004 (Special Meeting), December 15, 2004 (Regular Meeting), January 4, 2005 (Shirt sleeve Session), and January 4, 2005 (Special Meeting) were approved as written.

E-3 Approved the specifications and authorized advertisement for bids for wood utility poles as required during calendar year 2005.

- E-4 Adopted Resolution No. 2005-11 awarding the contract for Hale Park Playground Improvements, 209 East Locust Street, to Hobbs Construction, of Fresno, in the amount of \$147,070.
- E-5 Accepted improvements under the "Pine Street Sidewalk Replacement Project (School Street to Alley West of Sacramento Street)" contract.
- E-6 Adopted Resolution No. 2005-12 approving additional technical services with Treadwell & Rollo, Inc., and appropriating funds in the amount of \$270,000.
- E-7 "Adopt resolution approving the Improvement Agreement for Public Improvements for 1020 South Beckman Road and appropriating funds for required reimbursements (\$4,385)" was ***pulled from the agenda pursuant to staff's request.***
- E-8 Adopted Resolution No. 2005-13 approving the final map and Improvement Agreement for 1349 East Kettleman Lane and directing the City Manager and City Clerk to execute the map and Improvement Agreement on behalf of the City.
- E-9 Authorized the Treasurer and Revenue Manager to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for City Manager, Blair King.
- E-10 Adopted Resolution No. 2005-14 authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$24,180 to Scientific Specialties, Inc., for a demand-side management project.
- E-11 "Adopt resolution approving Memorandum of Understanding between City of Lodi and Lodi Police Dispatchers' Association" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-12 "Adopt resolution approving Memorandum of Understanding between City of Lodi and Police Officers' Association of Lodi" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-13 Accepted the Quarterly Investment Account report as required by law SB 564.
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#### ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

NOTE: The following two items were discussed and action upon simultaneously.

- E-11 "Adopt resolution approving Memorandum of Understanding between City of Lodi and Lodi Police Dispatchers' Association" ***AND*** "Adopt resolution approving Memorandum of Understanding between City of Lodi and Police Officers' Association of Lodi"
- AND***  
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Mayor Pro Tempore Hitchcock recalled that when this first came before Council she voted against it, due to the budget deficit and the condition in these Memorandums of Understanding (MOUs) that require a future salary increase to the mean of survey cities. The dollar amount is unknown. Ms. Hitchcock stated that she would again be voting against these MOUs for the reasons enumerated.

#### MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, adopted the following resolutions:

- Resolution No. 2005-15 approving MOU for Lodi Police Dispatchers' Association; and
- Resolution No. 2005-16 approving MOU for Police Officers' Association of Lodi.

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Mounce, and Mayor Beckman

Noes: Council Members – Hitchcock and Johnson

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Arthur Price quoted Sir Walter Scott, *"Oh what a tangled web we weave when first we practice to deceive."* He thanked Finance Director Krueger for being forthright and honest in presenting the facts about the City's budget to the Council. Mr. Price stated that negotiations with bargaining units need to occur and cuts should be made at the Council level as well. He recalled that former City Manager Flynn raised department heads' salaries 5% just before he left office. Mr. Price recommended that Council place an item on a future agenda to consider rescinding the raises as an indication to bargaining units that the City is operating in good faith.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Mounce announced that last week she attended the League of California Cities Mayors and Council Members Leadership Institute. She recently received a call from an individual who is trying to establish transitional housing for Salvation Army in her neighborhood. A car window of one of his tenants was broken out, and Ms. Mounce referred him to Crime Stoppers and suggested that he start an additional Neighborhood Watch group.
- Council Member Hansen stated that he, Mayor Beckman, and Mayor Pro Tempore Hitchcock participated in the recent Martin Luther King celebration, which was hosted by the Breakthrough Project.
- Council Member Johnson encouraged citizens to stay abreast of the City's budget situation and provide feedback to Council Members and staff. He asked that budget meetings be held at various locations and times convenient to the public.
- Mayor Pro Tempore Hitchcock asked that the "Pending Council Requests Report" be reviewed at an upcoming meeting.
- Mayor Beckman asked that a regular calendar item be added on a future agenda so that Council can discuss the salary increases that former City Manager Flynn issued. He asked that Council be apprized of the City Manager's authority to do so, and whether the action taken was legal.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Interim City Manager Keeter thanked Council for having the confidence to allow her to serve in an interim capacity for the past five and half months. She looked forward to working with new City Manager Blair King who begins employment on January 24.
- Council Member Hansen commended Ms. Keeter, stating that she represented the City well and he was very impressed with her performance.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Beckman called for the public hearing to consider two appeals of the Planning Commission's decision regarding the Lodi Shopping Center project (Wal-Mart Supercenter) located at 2640 West Kettleman Lane:
- a) Appeal filed on 12/10/04, by Natalie Weber of the firm Herum, Crabtree, Brown to the Planning Commission decision on 12/08/04 certifying Final EIR 03-01, approving Use Permit U-02-12, and Tentative Parcel Map 03-P-001; and

- b) Appeal filed on 12/13/04, by Timothy Cremin of the firm Steefel, Levitt & Weiss to the Planning Commission decision on 12/08/04 regarding two conditions: 1) Condition R of the use permit and tentative map approval resolution requiring signed leases for 50% of the existing Wal-Mart store before a building permit is issued for the new Supercenter and prohibits tenant restrictions; and 2) Condition requiring the project developer to fund the commercial linkage fee nexus study under Program 11 of the Housing Element and pay any adopted fees.

Mayor Beckman reviewed the public hearing process.

Community Development Director Bartlam reported that appeals had been filed concerning the certification of the final Environmental Impact Report (EIR), conflicts with the Lodi Zoning Code, inconsistencies with the General Plan, and two conditions of approval of the use permit to construct the Lodi Shopping Center. The law firm of Herum, Crabtree, Brown filed the first appeal. Its letter states, "Generally the appeal was filed on the basis that the project conflicts with the General Plan and Lodi Zoning Code and does not satisfy the minimum requirements of the California Environmental Quality Act (CEQA)." The law firm of Steefel, Levitt, & Weiss, which represents Wal-Mart, appealed two conditions of approval in Planning Commission resolution 04-65.

In reference to the first appeal, Mr. Bartlam noted that the General Plan for this property is designated Neighborhood Community Commercial (NCC). It is staff's opinion that the project is consistent with the NCC designation and that the interpretation has been consistently applied to like centers in Lodi at the same intersection and subsequent to the General Plan adoption. It is also staff's opinion that the Wal-Mart Supercenter does classify as a department store and is therefore allowed within the Commercial Shopping Center District, which is the designation applied to the property. Staff believes it is a department store because the Wal-Mart Supercenter has 36 specifically designated departments, each one with its own manager. Staff believes the final EIR is complete and worthy of certification, as the Planning Commission has done. Mr. Bartlam stated that attorney Steve Herum has raised one issue that was not raised previously either in written or oral testimony, which is in regard to appendix F of the CEQA guidelines. Appendix F deals with the issue of energy and the use of energy within development projects. It is staff's opinion that appendix F does not specifically apply to this project or any other project where a significant amount of energy is not being used. The State Clearing House is in agreement with staff's interpretation of the CEQA guidelines.

In reference to the second appeal, Mr. Bartlam explained that on December 8 the Planning Commission adopted two conditions within the resolution of approval. Condition R states that no building permit shall be issued for the proposed Wal-Mart Supercenter until a tenant for the existing Wal-Mart building, located at 2350 West Kettleman Lane, has been secured. For the purpose of this condition, "secured" means a signed lease for more than 50% of the space. In addition, the condition states that Wal-Mart shall not restrict the type of tenant that may occupy the building. Condition EE requires the project proponent to fund the commercial nexus study that is required as implementation 11 in the Housing Element recently adopted by the City Council. It requires the payment of whatever fee the Council chooses to adopt as being required for retail projects. The appeal suggests that the condition is not appropriate because it was introduced late in the process. The Planning Commission held a public meeting in September 2004, at which a Commissioner raised the issue regarding the linkage between the need for affordable housing and the construction of this project. It is staff's opinion that there is a nexus, or potential nexus, and that the condition is legally defensible.

Mr. Bartlam reported that, after holding a number of public meetings, the Planning Commission voted unanimously on December 8 to certify the final EIR and adopt the use permit resolution, as well as the parcel map. He recommended that Council uphold the Planning Commission's decision and deny both appeals.

In reply to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated that Council could modify or delete the condition and not affect the final EIR. He stated that nowhere in the EIR is it found that a significant impact is created economically by virtue of the project.

Mayor Pro Tempore Hitchcock expressed concern regarding the mitigation of prime farmland without any kind of mitigation fee or set aside of other land. In addition, she did not find that traffic, specifically at Harney Lane and Lower Sacramento Road, was mitigated.

Public Works Director Prima reported that the City's project to widen Lower Sacramento Road to Harney Lane is now out to bid and expected to be constructed this summer. The County's project is in final design.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated that the mitigation measure is H2, which deals with the contribution of fair share cost installation of the traffic signal at Lower Sacramento Road and Harney Lane. They have to make the improvement in order to bring the level of service back to an acceptable level.

#### Hearing Opened to the Public

- Steve Herum submitted written documents (filed) and stated that he represented "Lodi First." He outlined the following documents:
  - A) January 19, 2005, letter to the Council responding to the draft EIR's response to comments; Items A-1 to A-6 are additional economic studies from other locations demonstrating that supercenters cause significant urban decay in communities;
  - B) January 19, 2005, letter to the Council requesting that Mayor Beckman recuse himself on this matter and an accompanying declaration;
  - C) January 18, 2005, letter from VRPA Technologies dealing with the traffic deficiencies in the EIR;
  - D) January 5, 2005, letter from Herbert Goerhing concerning the agricultural operation conflicts that were not addressed in the EIR;
  - E) January 18, 2005, report from Philip King, Ph.D., of San Francisco State University involving a site specific study of this Wal-Mart Supercenter and his conclusion that it will cause significant urban decay in Lodi; and
  - F) Proposed Condition R (in response to the appeal of Wal-Mart).

Mr. Herum stated that the General Plan designation for this property is NCC, which he remarked the market is "neighborhood", and not larger than that. Lodi's Zoning Code also has a "regional" General Plan designation. Repeatedly, the EIR states that the Supercenter will draw people from a broad area. Mr. Herum contended that it is not a commercial shopping center. He stated that if the City intends to allow the project as proposed, it must first amend its General Plan to have a regional shopping designation. As is currently being proposed, the City would be placing "Neighborhood Commercial" traffic into a center that would draw regionally, which would result in unintended traffic consequences that have not been studied because the zoning designation and the use do not correspond. He pointed out that no other "department store" in Lodi sells produce.

Mr. Herum noted that, in his communication, the question is raised as to why there were not agricultural mitigation fees or easement programs. The Third District Court of Appeals, in an unpublished decision, made it clear that agricultural mitigation fees are adopted on an ad hoc basis. There is nothing in the EIR demonstrating that requiring an agricultural mitigation fee on this project on an ad hoc basis is legally infeasible. The analysis in the EIR contradicts the Third District Court of Appeals case.

Mr. Herum pointed out that the EIR concludes that there would not be any urban decay. In the response to comments, it states that the Draft EIR applies the Health and Safety definition, which is urban "blight". Mr. Herum stated that "decay" is a broader term. He

compared this matter with the *BCLC v. City of Bakersfield* case. The EIR acknowledges that "blight" was considered, not "decay," which is legally deficient. Mr. Herum stated that he had presented studies demonstrating that Wal-Mart Supercenters do cause urban decay. Lodi's EIR states that the studies do not count because they are not specific to Lodi. He pointed out that Dr. King's study concludes that this Wal-Mart Supercenter would cause significant urban decay in the Lodi area. Mr. Herum stated that the EIR refused to consider the anecdotal data from other jurisdictions.

Mr. Herum stated that appendix F contains language that requires EIRs to evaluate the potential energy demands of projects. The EIR for this project does not include this information because the authors thought appendix F no longer existed. Subsequently, they reported that they communicated with the State Office of Planning and Research who stated it does not have to be done in this project.

Mr. Herum reported that Wal-Mart Supercenters tend to pay lower wages, have more part-time workers, and fewer health benefits than other stores. They also have longer waiting periods before employees can qualify for health care benefits. As a result, those who go without health benefits use public services. This demand on public facilities is not addressed in the EIR.

Referencing comparisons in the Bakersfield case, Mr. Herum noted that there were two Wal-Marts proposed and the City did not consider the cumulative effects of two Supercenters. Guidelines require that all related projects must be considered. The response to comments states that all that was done was to call the San Joaquin County Planning Department and ask if there were any projects. The EIR claims that Wal-Mart would recapture all the lost sales tax of Lodi residents who go to the Costco store in Stockton. Mr. Herum pointed out that between Costco and Lodi there are two Wal-Mart Supercenters in Stockton. The EIR recognized it could take sales tax from Costco further south, but failed to acknowledge that there were two Wal-Mart Supercenters north of that store that people may go to.

In regard to air quality, Mr. Herum noted that the EIR states there would be increased tonnages of pollutants and that, the more pollution that is in the air, the more incidence of respiratory ailments there are. It then truncates the analysis and goes to another area.

Mr. Herum asked that the EIR be redone to comply with requirements.

## RECESS

At 8:10 p.m., Mayor Beckman called for a recess, and the City Council meeting reconvened at 8:15 p.m.

## I. PUBLIC HEARINGS (Continued)

I-1 Mayor Beckman announced that it was pointed out this evening (by Mr. Herum) that at a (Cont'd.) social event he had made some comments that could be interpreted as biased and consequently he must recuse himself from the public hearing. Mayor Beckman explained that because he opened the hearing tonight, the process has been tainted, so it will have to be started anew at a future date.

Mr. Herum stated that he would waive the Mayor's conflict of interest thus far if he would recuse himself from the remainder of the public hearing.

Mayor Beckman replied that the advice he had received from the City Attorney indicates that continuing the public hearing tonight may not stand a challenge.

NOTE: At 8:17 p.m., Mayor Beckman recused himself from the matter and vacated his seat at the dais.

In answer to questions posed by Council Member Hansen, City Attorney Schwabauer explained that if the public hearing were to go forward tonight, although Mr. Herum suggested that he (representing Lodi First) would not pursue an opposition to it based on bias, some other group might and could.

Mayor Pro Tempore Hitchcock announced that everyone who submitted a request to speak card would be personally notified in writing of the new public hearing date.

*NOTE: The subject public hearing was canceled and subsequently scheduled for a Special City Council meeting on February 3, 2005.*

#### RECESS

At 8:25 p.m., Mayor Pro Tempore Hitchcock called for a recess, and the City Council meeting reconvened at 8:40 p.m.

#### J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Beckman second, unanimously directed the City Clerk to post for the following expiring terms:

Eastside Improvement Committee

Robina Asghar	Term to expire March 1, 2005
Ed Beswick	Term to expire March 1, 2005
Ernest Golladay	Term to expire March 1, 2005

J-3 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through December 31, 2004.

#### K. REGULAR CALENDAR

K-1 "Discuss and take appropriate action regarding the proposed \$18,000 City contribution to the July 4, 2005, Oooh Ahhh Festival"

NOTE: Due to a potential conflict of interest related to her position as event chairperson for the Oooh Ahhh Festival on the Lodi-Tokay Rotary Club, Council Member Mounce abstained from discussion and voting on this matter and vacated her seat at the dais.

Council Member Johnson disclosed that he was a member of the Lodi-Tokay Rotary Club; however, the City Attorney had advised him that he could participate in discussion on this matter.

Interim City Manager Keeter reported that \$18,000 was budgeted in 2004-05 for the fireworks on July 4, 2005. Due to the current budget deficit, Ms. Keeter offered Council the following options: 1) fund the fireworks at the requested \$18,000 from the General Fund; 2) fund a lesser amount; or 3) do not fund the event. If the event proceeds as proposed, funds would need to be allocated to the Parks & Recreation Department to cover overtime costs. A request would be made that Rotary reimburse the City for a certain amount of expenses that the City would incur. In addition Ms. Keeter stated that the Rotary Club would be asked to provide the City with a receipt for the actual cost of the fireworks.



In reply to Council Member Hansen, Police Chief Adams reported that since the Rotary Club has been coordinating the event and fencing the area it has cut back on the amount of overtime required by the Police Department to cover the event.

In answer to Mayor Pro Tempore Hitchcock, Ms. Keeter stated that in 2004 the overtime cost amounted to \$9,000.

PUBLIC COMMENTS:

- Mike Bennett stated that this event raises and spends approximately \$90,000, which includes the City's contribution. All proceeds from the event go back into the community.
- Joellen Flemmer, President of the Lodi-Tokay Rotary Club, reported that a committee has been formed to discuss how to decrease costs associated with the event.
- Jack Dunn stated that he had participated in the event for the past three years. It provides an opportunity for volunteers to learn and builds a cohesion within the groups that benefits the entire community.

MOTION:

Council Member Hansen made a motion, Johnson second, to authorize funding of the 2005 Fourth of July fireworks in the amount of \$18,000 as requested by the Lodi-Tokay Rotary Club and as set forth in staff's recommendation.

DISCUSSION:

Mayor Pro Tempore Hitchcock pointed out that, in total, the event would cost the City \$30,000. Given the City's current budget deficit, she was opposed to the motion, as she felt that there were other services the City provides with a higher value.

Ms. Keeter asked whether the motion included a reimbursement of \$2,400 to the City by the Rotary, to which Council Member Hansen answered in the affirmative.

VOTE:

The above motion (including the requirement for \$2,400 reimbursement from the Rotary Club to the City from event proceeds) carried by the following vote:

Ayes: Council Members – Hansen, Johnson, and Mayor Beckman

Noes: Council Members – Hitchcock

Absent: Council Members – None

Abstain: Council Members – Mounce

- K-2 "Approve expenses incurred by JAMS Mediation Service relative to the Environmental Abatement Program litigation (\$47,840.07)"

City Attorney Schwabauer noted that up until six months ago these expenses were being billed to Envision Law Group. During the months of October, November, and December 2003, Envision Law Group submitted some of the bills to the City seeking them as costs. Mr. Schwabauer acknowledged that some of these bills do reflect double payment by the City, but not to the vendor. The City will have paid both JAMS and Envision Law Group for approximately one-third of these bills.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously approved the expenses incurred by JAMS Mediation Service relative to the Environmental Abatement Program litigation in the amount of \$47,840.07, as detailed below:

*Continued January 19, 2005*

<u>Invoice No.</u>	<u>Description</u>	<u>Date</u>	<u>Amount</u>
#0000937319-110	City of Lodi v. M&P Investments	12/1 – 12/30/04	\$13,285.58
#0000842164-100	Hartford v. City of Lodi	2003/2004	\$ 7,833.83
Michael Donovan	City of Lodi v. M&P Investments	2003	<u>\$26,720.66</u>
Unpaid Billings			
		<b>TOTAL</b>	<b>\$47,840.07</b>

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:28 p.m., in memory of Lodi Police Partner and active community member, Walter Pruss, who passed away on January 17, 2005.

ATTEST:

Susan J. Blackston  
City Clerk